

DETAILED ACTION

1. This Office Action is in response to the Request for Continued Examination filed on 07/23/2001.
2. In the Instant Amendment, Claim 28 was canceled; Claims 27, 29, and 30 were amended; Claims 27 and 29 are independent claims; Claims 27, 29-30 have been examined and are pending. **This Action is made NON-FINAL.**

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/23/2010 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2174

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 27, 29-30 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Street, Jr. ("Street", US 7,230,745), issued date April 8, 2002, in view of Knockeart et al., ("Knockeart," US 6,968,311), July 30, 2001.

- **Regarding claim 27**, Street discloses an information processing apparatus for executing a predetermined procedure corresponding to a command designated by a user, the apparatus comprising:

- a database which holds (*Street: Fig. 2; memory 230, which is known as database, contains one more interaction control provider 249, control selection responder 245*)

- (i) a plurality of candidates corresponding to a plurality of commands (*Street: col. 8, lines 24-57; Fig. 5; a subroutine will prompt the options, which are known as a plurality of commands, to a user; at step 505, where the person is prompted to indicate and the user can presses or says '1' if you don't want to receive this fax, '2' if you want*

Art Unit: 2174

to receive this fax now, '3' for us to hang up and call you back later, '4' if you want to forward this fax to someone else, or '5' if you want us to place this fax on hold) and

(ii) command groups, each command group including a plurality of commands related to each other (*Street: col. 8, lines 24-67 to col. 9, lines 1-54; Figs. 5-6; option subroutine 'Play cancel options' 520, 'Play send option' 530, 'Play retry options' 540, 'play forward option' 550, and 'Play hold option' 560 are known as command group, each group includes a plurality of option, at step 605 the control system will prompt a plurality options to user if the user presses 1 or says 1 at step 515; see also Fig. 7-10);*

a selection unit which selects (i) a command group from the database, in response to a user operation (*Street: Fig. 2; memory 230, contains control selection responder 245, which is will responses to the selected option) and*

(ii) the candidates from the database that correspond to the plurality of commands in the selected command group (*Street: col. 8, lines 24-67 to col. 9, lines 1-54; Figs. 5-6; the control system 240 will play a subroutine which correspond to the plurality of option in the selected option; also see Fig. 7 is a diagram of 'Play send option subroutine 530; Fig. 8 is a diagram of 'Play retry option subroutine' 540, Fig. 9 is a diagram of 'Play forward option subroutine' 540, and Fig. 10 is a diagram of 'Play hold option subroutine 560);*

a voice output unit which receives from the selection unit the selected candidates and outputs each selected candidate one at a time as voice information (*Street: abstract; an interactive voice response system is used to receive and interpret input from a human*

Art Unit: 2174

recipient, col. 3, lines 3, lines 10-21; the system may detect the presence of the human recipient via speech recognition (e.g., detecting a person answering "hello");

Street teaches all limitation as recited above, but does not explicitly disclose a decision button which is operable by the user to designate any one of the selected candidates output by the voice output unit; and a determination unit which determines (i) which one of the candidates is designated by the user and (ii) a command in the database that corresponds to the designated candidate, wherein, while any one of the selected candidates is output by the voice output unit, the user can exclusively designate the voice output candidate using the decision button, wherein, in a case where the selected candidates include at least a first candidate and a second candidate, when the user operates the decision button during the voice information corresponding to one the first candidate that is output by the voice output unit, the determination unit determines a command corresponding to that the first candidate as the designated command and does not determine a command corresponding to one of the selected candidates other than the first candidate as the designated command, and when the user operates the decision button during the voice information corresponding to the second candidate that is output by the voice output unit, the determination unit determines a command corresponding to the second candidate as the designated command and does not determine a command corresponding to one of the selected candidates other than the second candidate as the designated command.

However, Knockcart discloses a method for controlling a device in an environment using mixed manual and spoken input, wherein a decision button which is

Art Unit: 2174

operable by the user to designate any one of the selected candidates output by the voice output unit (*Knockeart: abstract; a reliable manual input is available using turn or push buttons in addition to voice recognition; see also col. 4, lines 65-67 to col. 5, lines 1-38; Fig. 4*); and

a determination unit which determines (i) which one of the candidates is designated by the user (*Knockeart: col. 5, lines 3-37; Fig. 3-5; a device 100 outputs the phrase 'last ten,' a user 150 then says "select" or pushes the select button.*) and (ii) a command in the database that corresponds to the designated candidate (*Knockeart: col. 5, lines 3-37; Fig. 3-5; device 100 displays a next screen 416, which shows the last destinations that had previously been entered by the user, after the user 150 said 'select' or push the 'select button'*), wherein, while any one of the selected candidates is output by the voice output unit, the user can exclusively designate the voice output candidate using the decision button (*Knockeart: col. 5, lines 3-38 to col. 6, lines 1-19; Fig. 3-5*),

wherein, in a case where the selected candidates include at least a first candidate and a second candidate, when the user operates the decision button during the voice information corresponding to one the first candidate that is output by the voice output unit, the determination unit determines a command corresponding to the first candidate as the designated command and does not determine a command corresponding to one of the selected candidates other than the first candidate as the designated command, and when the user operates the decision button during the voice information corresponding to the second candidate that is output by the voice output unit, the determination unit determines a command corresponding to the second candidate as the designated

Art Unit: 2174

command and does not determine a command corresponding to one of the selected candidates other than the second candidate as the designated command (*Knockeart: col. 4, lines 12-46; Fig. 3; an audible prompt provides some or all of the information in the previously displayed visual prompt; For example, the audible prompt can include spoken versions of all the choices in a displayed menu, a particular choice such as a currently selected choice in the menu, or a small subset of the choices of the displayed menu, then the system either accepts manual input as before (step 350) or accepts spoken input from the user (step 340); see also col. 5, lines 3-38; Fig. 4).*

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teaching of Knockeart with the system of Street, in order to allow user using both manual interactions and by voice to access a menu command (*Knockeart: abstract*).

- **Regarding claim 29**, claim 29 is similar in scope to claim 27, and is therefore rejected under similar rationale.

- **Regarding claim 30**, claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

Response to Arguments

7. Applicant's arguments with respect to the limitations "a decision button which is operable by a user to designate one of selected candidates output by a voice output unit," as defined

Art Unit: 2174

by claim 27, 29, and 30, have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH K. PHAM whose telephone number is (571)270-3230. The examiner can normally be reached on Monday to Thursday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Y. Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174

/Linh K Pham/
Examiner, Art Unit 2174

Application/Control Number: 10/687,697

Page 9

Art Unit: 2174